

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HITUL GANDHI, individually, and on behalf of §
a class of others similarly situated, §

Plaintiffs, §

v. §

Case No. 1:08-cv-00248

DELL INC., §
and §
DELL MARKETING USA L.P., §

Defendants. §

ORDER APPROVING FLSA SETTLEMENT AGREEMENT

Plaintiffs bring suit against Defendants under the Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. § 201 et seq. This matter comes before the Court on the Joint Motion for Approval of FLSA Collective Action Settlement. The Court has reviewed the Settlement Agreement and Release of Claims submitted under seal by the parties and the Court finds that it is fair, adequate, and reasonable when balanced against the possible outcome of further litigation relating to liability and damages and the difficulty and delays inherent in such litigation. The Court finds that informal and formal discovery, investigation and research have been conducted such that counsel for all parties are able reasonably to evaluate their respective positions. The Court finds that the settlement has been reached after intensive, serious, and non-collusive arm’s-length negotiations and that the settlement arises from a bona fide dispute over contested claims.

Therefore, the Court hereby grants final approval of the settlement as described in the parties’ Settlement Agreement and Release of Claims (“Settlement Agreement”) and finds that the parties’ settlement agreement is fair, reasonable, and adequate, and in the best interests of the parties. Accordingly, the Court hereby directs that the settlement be effected in accordance with

the Settlement Agreement. The Court further approves as reasonable 1) the amount of attorney's fees and expenses requested by Plaintiffs' Counsel as set out in the Settlement Agreement and 2) the Service Awards as reflected in Exhibit C of the parties Settlement Agreement.

Without affecting the finality of this Order, the Court retains continuing and exclusive jurisdiction over the parties to this Agreement for the purpose of the administration and enforcement of this Agreement

IT IS THEREFORE ORDERED that the Joint Motion for Approval of FLSA Settlement filed on _____, 2011, be and hereby is GRANTED. The Court approves the Settlement Agreement and Release of Claims previously submitted by the Parties under seal.

IT IS FURTHER ORDERED that all claims of all Plaintiffs in this case are hereby dismissed, with prejudice.

This is a Final Judgment.

SIGNED this _____ day of _____, 2011.

U.S. DISTRICT JUDGE